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OFFICE OF PETITIONS

In re :
Simmons, et al. : DECISION REGARDING
Application No. 10/020,786 : PATENT TERM ADJUSTMENT
Filed: December 13, 2001 : AND NOTICE OF INTENT
Patent No. 6,979,556 : TO ISSUE
Issued: December 27, 2005 : CERTIFICATE OF CORRECTION

This letter is in response to the "REQUEST FOR RECONSIDERATION OF DECISION REGARDING PATENT TERM ADJUSTMENT MAILED AUGUST 4, 2006 AND REQUEST FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(d)", filed August 30, 2006. Patentees request that the determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from one hundred fifty-seven (157) days to two hundred twenty-one (221) days.

The application for patent term adjustment is **GRANTED**.

On December 27, 2005, the above-identified application matured into U.S. Patent No. 6,979,556. The patent issued with a Patent Term Adjustment of one hundred fifty-seven (157) days.

Patentees state that the patent issuing is not subject to a terminal disclaimer.

The Office determined a patent term adjustment of one hundred fifty-seven (157) days based on an adjustment for PTO delay of nineteen (19) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), one hundred seventy-eight (178) days pursuant to 35 U.S.C. 154(b)(1)(A)(iv) and 37 C.F.R. § 1.703(a)(6) and one hundred eight-two (182) days pursuant to 35 U.S.C. 154(b)(1)(B)(iii) and 37 C.F.R. § 1.703(b), reduced by Applicants' delays of fifty-eight (58) and thirty-three (33) days pursuant to 35 U.S.C. 154(b)(2)(C)(ii) and 37 C.F.R. § 1.704(b), and sixty seven (67) days and sixty-four (64) days pursuant to 35 U.S.C. 154(b)(2)(C)(iii) and 37 C.F.R. § 1.704(c)(8). The adjustment of sixty-three (64) days is at issue.

Patentees filed an application for patent term adjustment on January 26, 2006. However, the request was dismissed in a decision mailed on March 31, 2006 because patentees did not provided a proper 37 C.F.R. 1.704(d) statement. Patentees filed a request for reconsideration on April 19, 2006. However, the petition was again dismissed in a decision mailed on August 7, 2006.

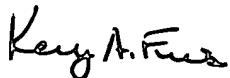
With the instant request for reconsideration, patentees have certified under 37 C.F.R. §1.704(d) that "each item of information contained on the IDS of April 23, 2004 was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than 30 days prior to filing the IDS".

Accordingly, the petition is granted.

In view thereof, the correct determination of PTA at the time of issuance is two hundred twenty-one (221) days (379 days of PTO delay and 158 days of applicant delay).

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. § 254 and 37 C.F.R. § 1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **two hundred twenty-one (221)** days subject to any disclaimers.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE
DRAFT CERTIFICATE OF CORRECTION

PATENT : 6,979,556 B2

DATED : December 27, 2005

INVENTOR(S) : Simmons, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (157) days

Delete the phrase "by 157 days" and insert – by 221 days—

Day : Friday
 Date: 12/8/2006

Time: 11:19:16

PALM INTRANET

PTA Calculations for Application: 10/020786

Application Filing Date:	12/13/2001	PTO Delay (PTO):	379
Issue Date of Patent:	12/27/2005	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	222
Post-Issue Petitions:	0	Total PTA (days):	221
PTO Delay Adjustment:	64		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
71	12/08/2006	ADJUSTMENT OF PTA CALCULATION BY PTO	64		
62.5	12/07/2005	PTA 36 MONTHS	182		
62	12/27/2005	PATENT ISSUE DATE USED IN PTA CALCULATION	178		58
61	11/29/2005	RECEIPT INTO PUBS			
60	11/29/2005	DISPATCH TO FDC			
59	11/29/2005	APPLICATION IS CONSIDERED READY FOR ISSUE			
58	03/02/2005	ISSUE FEE PAYMENT VERIFIED			
57	11/22/2005	RECEIPT INTO PUBS			
56	06/10/2005	WORKFLOW - FILE SENT TO CONTRACTOR			
55	03/02/2005	ISSUE FEE PAYMENT RECEIVED			
54	12/13/2004	EXPORT TO INITIAL DATA CAPTURE			
53	12/06/2004	MAIL NOTICE OF ALLOWANCE			
52	12/02/2004	ISSUE REVISION COMPLETED			
51	12/03/2004	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
50	11/29/2004	NOTICE OF ALLOWABILITY			
49	09/23/2004	PETITION FEE PAID			
48	09/23/2004	DATE FORWARDED TO EXAMINER			
47	09/20/2004	RESPONSE AFTER NON-FINAL ACTION	33	40	
46	09/20/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
45	09/20/2004	WORKFLOW INCOMING AMENDMENT IFW			
44	09/20/2004	WORKFLOW INCOMING PETITION IFW			
43	04/23/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED	64	35	

42	03/26/2002	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)			
41	04/19/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
40	05/18/2004	MAIL NON-FINAL REJECTION			
39	05/17/2004	NON-FINAL REJECTION			
38	03/16/2004	CORRESPONDENCE ADDRESS CHANGE			
37	03/17/2004	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
36	03/03/2004	DATE FORWARDED TO EXAMINER			
35	02/19/2004	RESPONSE TO A LETTER TO COMPLY WITH THE SEQUENCE RULES			
34	02/18/2004	REFERENCE CAPTURE ON IDS			
33	01/20/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		67	26
32	01/29/2004	MAIL LETTER REQUIRING CRF (UNREADABLE, NON-COMPLIANT, NOT SUBMITTED)			
31	01/26/2004	CRF DISKETTE UNREADABLE / DID NOT COMPLY / REQUIRED BUT NOT SUBMITTED			
30	12/29/2003	REFERENCE CAPTURE ON IDS			
29	11/17/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
28	11/19/2003	IFW AMENDED CASE PROCESSING COMPLETE			
27	11/19/2003	DATE FORWARDED TO EXAMINER			
26	11/14/2003	RESPONSE AFTER NON-FINAL ACTION		58	22
25	11/14/2003	REQUEST FOR EXTENSION OF TIME - GRANTED			
24	09/25/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
23	06/26/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
22	06/17/2003	MAIL NON-FINAL REJECTION			
21	06/16/2003	NON-FINAL REJECTION			
20	04/17/2003	CASE DOCKETED TO EXAMINER IN GAU			
19	04/07/2003	DATE FORWARDED TO EXAMINER			
18	04/03/2003	RESPONSE TO ELECTION / RESTRICTION FILED			
17	03/04/2003	MAIL RESTRICTION REQUIREMENT	19		-1
16	03/04/2003	REQUIREMENT FOR RESTRICTION / ELECTION			
15	07/30/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			

14	03/26/2002	PRELIMINARY AMENDMENT			
13	05/08/2002	CASE DOCKETED TO EXAMINER IN GAU			
12	05/02/2002	APPLICATION DISPATCHED FROM OIPE			
11	04/22/2002	APPLICATION IS NOW COMPLETE			
10	03/26/2002	ADDITIONAL APPLICATION FILING FEES			
9	03/26/2002	A SET OF SYMBOLS AND PROCEDURES, PROVIDED TO THE PTO ON A SET OF 3 1/2 INCH DISKETTES IN COMPUTER READ			
8	03/26/2002	A SET OF SYMBOLS AND PROCEDURES, PROVIDED TO THE PTO ON A SET OF COMPUTER LISTINGS, THAT DESCRIBE IN			
7	03/26/2002	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
6	03/26/2002	APPLICANT HAS SUBMITTED NEW DRAWINGS TO CORRECT CORRECTED PAPERS PROBLEMS			
5	04/17/2002	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
4	01/28/2002	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
3	01/15/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			
2	12/28/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	12/13/2001	INITIAL EXAM TEAM NN			

Search Another: Application#

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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